

REMARKS

I. The Section 103 Rejections

Claims 1-15 and 37-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Percy et al., U.S. Patent No. 5,960,429 (“Percy”) in view of Doyle, U.S. Patent Publication No. 2002/0099807 (“Doyle”) and in further view of U.S. Patent No. 6,826,652 to Chauvel et al (“Chauvel”). Further, claims 16-20, 22-31, 33-36 and 41-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Percy, in view of Doyle and in further view of Swildens, U.S. Patent Publication No. 2001/0034772 (“Swildens”). Applicant respectfully disagrees and traverses these rejections for at least the following reasons.

Initially, Applicant notes that claims 38, 40 and 42 have now been canceled, their subject matter having been made a part of claims 1, 6, 16 and 27. Claims 21 and 32 had been previously cancelled.

Of the rejected claims, claims 1, 6, 16 and 27 are independent claims. It is to these claims that Applicant now turns, it being understood that the remarks which follow apply equally to the remaining dependent claims because these claims depend on claim 1, 6, 16 or 27, respectively.

Each of claims 1, 6, 16 and 27 now include the feature of either: (a) caching a resource corresponding to at least one of a most frequently used Internet sites r where $r \leq n$, wherein the cached resource is an audio file (claims 1, 6 and 16); or (b) storing resources of r most frequently used Internet site names, wherein the resources include an audio file (claim 27).

In the Board of Patent Appeals & Interferences decision dated May 27, 2009 the Board reversed the decision of the Examiner and held that the Examiner had not demonstrated that the subject matter now presented in claims 1, 6, 16 and 27 was obvious based on the references relied on by the Examiner.

Accordingly, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests allowance of claims 1-20, 22-31, 33-37, 39 and 41.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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